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Exceptional Children: An Army Parent Handbook

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Personal Affairs

Exceptional Children: An Army Parent Handbook

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*This handbook is adapted from *Exceptional Children—A Navy Parent Handbook* (November 1981) developed under contract by the Navy Family Support Program.

RESERVED

Chapter 1 Introduction

1-1. Purpose of handbook

a. This handbook is addressed to parents of exceptional children. As parents, you are the first and most important educators of your child. You have a tremendous influence on the growth and development of your child. What you do makes a difference. You can participate in your child's learning in many ways. Sometimes these ways may be obvious, but they are very important in assisting your child. If you are the parent of an exceptional child, participating in your child's learning and identifying the most effective and supportive ways to assist in his or her growth and development may provide a real challenge to you.

b. Parental concern about a handicapped child begins on the day the parents first suspect that a problem exists. Often parents numbly reject the doctor's report. Only gradually do parents accept the handicap and begin to learn how to deal with it.

c. Many of you who read this handbook may be well on your way to accepting the limitations and needs of your children. Many of you will have a great deal of the information you need to know about your exceptional child. Some of you may be just beginning to seek this information because you are just beginning to accept and understand your exceptional child. Some of you may also need special support to work through feelings associated with your child's handicap and your own worth as a parent. All of you will need encouragement and support at some time to cope with the many demands made upon you because of your child's handicapping condition.

d. This handbook is for parents who want the very best for their exceptional child. It can be used by parents as individuals or by a group of parents who want to help and support each other. It is intended to serve as a tool to assist parents in creating a partnership between themselves and the community agencies established to serve them and their children. It is our hope that this handbook will help parents of exceptional children ensure better health care, education and lives for their children.

1-2. Definition of exceptional child

For purposes of this handbook the definition of exceptional child is limited only to the handicapped child.

Chapter 2 The Army Community Service Center As A Resource

2-1. Role of the Army community service (ACS) center

Army community service centers are the products of the Army's commitment to its personnel and their families. The centers reflect an effort to establish an awareness and accessibility to information, resources and services that support Army families. Although the scope of the services provided may vary for each ACS center, all have an information and referral network focusing on local community resources. ACS centers are becoming knowledgeable about services that will support and assist you as a parent of an exceptional child, especially as they relate to programs that will enhance the education received by your child.

2-2. Exceptional Family Member Program coordinator

ACS centers will have an Exceptional Family Member Program coordinator available to discuss with you the needs of your child and recommend to you appropriate resources in your community. If your ACS center cannot meet your needs, it will refer you to someone else who can provide you with the information you need.

2-3. Special education library

ACS centers will establish a library containing literature, journals, publications, articles, and other materials that can describe in greater detail the type of resources available in the community, in the state,

and at the national level. Whenever you become aware of relevant material, share it with your ACS staff. Together you can build an excellent library.

2-4. Parent support card file

Your ACS center may maintain a parent card file that contains names of other Army parents with exceptional children who are willing to offer support to recently arrived families. Parents reading this handbook should contact their ACS center if they are willing to have their names entered in this card file.

2-5. Other resources

Your ACS center will try to provide you with other information on Army or community parent groups that offer support to parents and advocate for the welfare of exceptional children.

2-6. Guidance for planning meetings

ACS center staff will be available to provide information and guidance for implementing informational meetings and organizing discussion/support groups for you and other parents. Additional information about planning meetings and organizing groups is presented in appendix A of this handbook.

Chapter 3 Parents As Their Own Resource

3-1. Introduction

a. Parents are their own best resource. The greatest support parents of exceptional children will receive is from each other. Together parents can become strong advocates for themselves and their children. But before parents can assume this advocacy role, they need to be informed; they need to know what to do with the information once they have it, and they need to know how to identify and utilize resources effectively.

b. The remaining pages of this chapter discuss three areas: (1) what parents need to know, (2) what parents can do, and (3) resources parents can use.

3-2. What parents need to know

Some of the most important things parents of exceptional children need to know are identified below. These fall into three main categories: (1) information related to rights of parents of handicapped children, (2) information about services provided to the handicapped by the Department of Defense Dependents Schools (DoDDS) and (3) information about how to file a complaint.

a. *Information about legal rights.* Two pieces of legislation, The Education for All Handicapped Children's Act of 1975, Public Law 94-142, Volume 89, US Statute at Large and Section 504, Rehabilitation Act of 1973, Public Law 93-112, Volume 87, U.S. Statute at Large, have had an immense impact on the lives of handicapped persons. These laws are the foundation for their legal rights to a public education. Procedural safeguards guaranteed to parents by Public Law 94-142 are contained in appendix E. Regulations written for Section 504, Public Law 93-112 specify the following:

(1) Handicapped persons must have opportunities to participate in or benefit from services that are equal to those provided to others.

(2) No handicapped child may be excluded from public education.

(3) Programs must be made accessible.

(4) Auxiliary aids, services and program modifications must be made so handicapped individuals can participate in post secondary education.

b. *Department of Defense dependents schools (DoDDS).*

(1) Among the many services provided through DoDDS system are programs for handicapped students. Initially, DoDDS were exempt from the influence of public laws for handicapped persons. However, with the passage of the Defense Dependents' Education Act of 1978, Public Law 95-561, Volume 92, U.S. Statute at Large, DoDDS has expanded special education services for exceptional

children. The DOD implementing instruction governing this program is DODI 1342.12. It is important that military members check on the educational programs available for a child before they take a handicapped child overseas. Parents of handicapped children should seek assistance from their ACS centers about the DoDDS Special Educational Program, how it operates, and the names of contact persons.

(2) Some parents may wish to contact DoDDS directly. In the United States, they should contact the DoDDS headquarters office. In overseas areas, parents should contact the regional office which serves the area in which they are located. Addresses for the DoDDS offices are shown below:

(a) Director, DoDDS Headquarters, 2461 Eisenhower Avenue, Alexandria, Virginia 22331.

(b) Director of Dependents Schools, Atlantic Department of Defense, APO New York 09241.

(c) Department of Dependents Schools, Germany Region, Department of Defense, APO New York 09633

(d) Director of Dependents Schools, Mediterranean Department of Defense, APO New York 09283

(e) Director of Dependents Schools, Panama Department of Defense, APO Miami 34002

(f) Director of Dependents Schools, Pacific Department of Defense, APO Seattle 98772

c. Filing complaints. Often consumers do not take action when discriminated against because they do not know where to go or how to make a complaint that they feel will produce results. The following paragraphs indicate how to go about filing complaints to the proper authorities in cases where parents feel their child is being discriminated against.

(1) *United States.* Any person who has a complaint that discrimination exists because of a physical or mental handicap in any program funded by Health and Human Service (HHS), formerly Health, Education, and Welfare (HEW), may notify the Office for Civil Rights. A complaint should be filed by letter to the Regional Office of Civil Rights that serves the state in which the discrimination occurred within 180 days following the act. Letters of complaint should explain who was discriminated against, in what way, by whom or what institution, when the discrimination took place, who was harmed, who can be contacted for further information, the name, address and telephone number of the complainant, and as much background as possible. These are suggestions, not requirements. However, the Office for Civil Rights can respond more effectively if it is well informed. Citizens also may ask the regional offices for help in writing a complaint. For additional information parents should seek assistance from their Army Community Service centers who will furnish them with the address of the appropriate HHS Regional Office of Civil Rights.

(2) *Overseas areas.* In overseas areas, the parent of a handicapped child receiving or entitled to receive educational instruction from DOD dependent schools according to DOD Instruction 1342.12 should file a written complaint with the appropriate DoDDS regional office.

(a) DS Regulation 2500.10 establishes policies and procedures governing the management of potential and actual disputes arising under DOD Instruction 1342.12.

(b) DS Regulation 2500.11 establishes a Complaint Management System for the Department of Defense dependents schools (DoDDS). Policies and procedures governing the management of alleged generalized violations of DOD Instruction 1342.12 or Public Law 94-142 that do not concern specific children are outlined.

3-3. What parents can do

There are several actions that parents of exceptional children can take to facilitate their roles. Some of these are identified below.

a. Preparing to relocate. A move to a new location and new school can be filled with turmoil for both the parents and children of an Army family. This transition can be eased somewhat if certain information is obtained from the child's current teacher prior to

moving. Some specific topics for discussion at your final parent-teacher conference are suggested in Appendix B.

b. Getting help from professionals. Often the first person parents go to when seeking help for a handicapped child is a doctor. Sometimes, however, parents do not get the help they are seeking because either they are intimidated by the doctor, or they are not sure what to ask or how to go about asking it. Appendix C gives many concrete suggestions to parents when seeking professional diagnostic services from their doctor.

c. Organizing meetings and discussion groups.

(1) The nationwide support for the rights and education of exceptional children was inspired by the effective advocacy of parents. Numerous groups and organizations exist, and they differ considerably in sophistication and scope of service.

(2) One of the services that ACS center staff can offer parents is providing assistance in identifying established parent groups.

(3) The benefits of such groups are shown below.

(a) Support services for the emotional and informational needs of parents.

(b) Activities to educate and train parents in meeting their child's unique needs.

(c) Activities and support that enhance a handicapped child's educational opportunity.

(d) Activities that increase parental political influence with legislators, bureaucrats, and members of the executive branch of government.

(4) ACS center staff will work with you so that you can learn more about local programs and thus draw upon their services.

(5) If no support groups exist in your local community the ACS center will assist you in developing your own parent group. Your ACS center often will provide meeting space, offer suggestions for agendas, help you identify community speakers and locate other successful parent groups willing to share ideas and strategies with you. Your Army Community Service center staff also will help you acquire knowledge and master techniques for planning and conducting successful meetings and discussion groups.

3-4. Resources parents can use

As mentioned previously, your ACS center will have information about numerous local, state and federal resources. Ask about them. You may not be aware of some of the valuable resources that could help answer some of your questions or meet some of your needs. Some of the major resources your ACS center will know about are discussed in the following paragraphs.

a. State and national organizations.

(1) Each state has an Office of Special Education. Among some of the major services the state agencies can provide are information about eligibility for existing programs, identification of competent specialists, up-to-date information on state regulations pertaining to special education and advocacy assistance. Appendix D contains a list of state directors of special education.

(2) On the national level, the National Information Center for Handicapped Children and Youth can provide the following resources.

(a) Publications about specific disabilities or areas of interest:

(b) Addresses of parent organizations—local, state, and national.

(c) Ideas on how to work with school and other agencies to create the best programs possible.

(d) Newsletters.

These resources may be obtained by writing to the National Information Center for Handicapped Children and Youth, P.O. Box 1492, Washington, DC 20013.

b. Community Organizations. Other good sources of information about resources in your community are the local United Way organization, knowledgeable individuals in other military services, e.g., the CHAP ("Children Have a Potential") officer at the local Air Force base, the Special Education Department of the public school in the local community, and the social service agencies. The initial contact with these sources will be time-consuming and may not be entirely successful, but it will provide you with an understanding of their services and direct you toward more fruitful areas.

c. Educational Resources Information Center. Another important resource is the Educational Resources Information Center (ERIC). This is one of a number of clearinghouses located throughout the United States that provide information about research and development in the field of education and offer a fascinating array of materials pertaining to the education of exceptional children. Appendix E of this handbook contains six ERIC fact sheets on a variety of issues associated with the education of exceptional children and recommend other sources of information or activities parents might pursue.

d. Resource Access Project (RAP) network.

(1) A major resource for parents of exceptional preschool children is the Resource Access Project (RAP) network initiated by Head Start to facilitate individualization for all children, including those with handicaps. Head Start has been instrumental in spearheading a national thrust of mainstreaming children with exceptional needs in a setting with nonhandicapped youngsters.

(2) Head Start's effort to serve exceptional children, including the severely handicapped, has placed an increased responsibility on local Head Start grantees to locate and provide specialized services and staff training. In support of the Head Start mainstreaming movement, the Administration for Children, Youth, and Families (ACYF) has established a network of fifteen Resource Access Projects (RAPs) to serve a designated number of Head Start grantees in each ACYF region throughout the nation in the following ways.

(a) Identify local, regional, and national resources.

(b) Determine local Head Start needs and matching these needs with available resources.

(c) Coordinate the delivery of services to Head Start programs.

(d) Provide training and technical assistance.

(e) Promote and facilitate collaborative efforts between Head Start and other agencies.

(f) Provide resource materials to Head Start grantees.

(3) Your ACS center staff may wish to contact your nearest RAP center. Although it is funded to serve Head Start programs, it can provide you with valuable information and referrals.

(4) The key to effectively identifying resources is to tap the knowledge of people already in the service field of exceptional children. Use their expertise and knowledge to expand your own, and at the same time, build upon it to discover additional resources. The ACS center staff will have begun assembling this kind of information into a current reference list for distribution to parents or other interested persons. If you are not aware of this list, contact your ACS center.

(5) There is a series of eight manuals called Mainstreaming Preschoolers, prepared by the Administration for Children, Youth and Families (ACYF), that should be available at every ACS center. This series was developed through extensive collaboration with many persons and organizations. Under contract with Contract Research Corporation, teams of national experts and Head Start teachers came together to develop each of the manuals. At the same time, the major national professional and voluntary associations as well as various federal agencies concerned with handicapped children were asked to critique the materials during the various stages of development.

(6) The manuals included in the series are as follows:

(a) Mainstreaming preschoolers: Children with emotional disturbance.

(b) Mainstreaming preschoolers: Children with health impairments.

(c) Mainstreaming preschoolers: Children with learning disabilities.

(d) Mainstreaming preschoolers: Children with orthopedic handicaps.

(e) Mainstreaming preschoolers: Children with speech and language impairments.

(f) Mainstreaming preschoolers: Children with hearing impairment.

(g) Mainstreaming preschoolers: Children with visual handicaps.

(h) Mainstreaming preschoolers: Children with mental retardation.

(7) This series is available to a variety of people beyond the Head Start community and can be obtained without charge from the Resource Access Project (RAP) in your area. For a complete list of the RAPs and their addresses consult your ACS center.

Appendix A

How to Organize Meetings and Support Groups

A-1. Parents of handicapped children need information as well as support and encouragement so they can help their child. Through informational meetings and formal and informal discussion, parents can share information, fears, hopes and plans with other parents. Through informal discussion and support groups, parents can learn from each other and also feel good about their children and themselves.

A-2. In the following pages basic information about organizing meetings and discussion groups is presented for parents' consideration.

a. Types of Meetings. Basically there are two types of meetings—informational and discussion/support groups. For each type of meeting, it is important that parent organizers be aware of certain important activities that usually enhance the success of any meeting. These pointers and other useful suggestions about planning and organizing meetings are discussed below.

(1) Informational meetings.

(a) The purpose of an informational meeting is to provide participants with useful information. The two critical aspects of this type of meeting are determining the informational needs of the participants and finding resources to address these needs. You might prepare a survey form with a list of possible topic areas and circulate it among interested parents to solicit their preferences and ideas. This would help identify the type of informational meeting that would be of greatest interest and attract the largest audience. The second task requires taking advantage of the ACS center contacts in the special education service community. Request names of individuals having the relevant knowledge and good reputation for working with parent groups.

(b) Once the informational needs are identified and the guest speaker contacted, the ACS center staff can help you prepare an agenda for the meeting. The following agenda format might be used by parent organizers.

1. Arrival period—greet parents with name tags, coffee and refreshments (15 minutes).

2. Welcome and introduction by ACS center staff and parent leaders (5 minutes).

3. Guest speaker (45–50 minutes).

4. Question and answer session (30 minutes).

5. Conclusion—wrap up, reopen refreshments, allow parents to talk to each other, the guest speaker, and the ACS center staff in an informal manner.

(2) Discussion/support meetings.

(a) The purpose of the discussion/support meeting is to offer parents the opportunity to discuss their needs and experiences in a supportive environment with other parents. The crucial organizational aspect of this type of meeting is monitoring the audience to ensure that all parents have an opportunity to respond and that the focus of the discussion remains on topic. Areas of discussion are probably best identified by parent organizers who have had the experience of raising an exceptional child.

(b) The structure of the discussion/support meeting is much more casual than that of the informational meeting so the emphasis should be on informality, sensitivity and support. One possible agenda for a discussion/support meeting is suggested below.

1. Arrival period—greet parents with name tags, coffee and refreshments (15 minutes).

2. Welcome and introduction by ACS center staff and parent leaders (5 minutes).

3. Facilitator (parent leader with good group skills and an awareness of the role of the facilitator) initiates discussion by presenting topics and soliciting responses from audience (60 minutes).

4. Conclusion—facilitator solicits summaries or reports from groups, asks for future discussion topics from audience, parents continue to talk among themselves as the meeting ends (30 minutes).

(c) A simple evaluation form for participants to complete before they leave should be provided. This will help you identify how the

group feels about the meetings and provide valuable insights for planning future meetings.

(3) Pointers for planning successful meetings.

(a) For each type of meeting, it is important that parent organizers be aware of certain important activities that can enhance the success of the meetings. These include the following:

1. Be conscious of the parents' time constraints. Meetings should be held at a time that is best for parents. Avoid Mondays, Fridays, holidays and late evening meetings.

2. Consider providing child care at the meetings for parents who must bring their children. Perhaps older teenagers or volunteers can provide the supervision. Contact spouse clubs and ask them to announce your meeting to their groups. Call local community agencies who may be working with your parents and ask these agencies to pass the word along.

3. Investigate the need for transportation. Coordinate rides among parents and staff so people needing transportation can attend the meetings.

4. Plan your meetings around topics of interest to the majority of your participants.

5. Be sure you get a dynamic speaker, especially for your initial meetings.

6. Be sure to discuss in advance with the guest speaker the goals and objectives of the meeting.

7. Ask guest speakers to provide handouts for their presentation.

8. Publicize your meetings. Advertise in the commissary, the exchange, and the post newspaper.

9. Assign active facilitators who will keep the group on task and avoid subtle or overt takeover by group members who are extremely aggressive or too experienced.

10. Be sure participants know the goals and objectives of the meetings.

11. Call parents whom you know are interested and advise them of the meeting. Tell them about baby-sitting and transportation arrangements. Briefly discuss the agenda. Have a check-off list before you so that you can verify, by checking off, that you have told each person everything you wanted to tell him/her.

(b) These are but a few suggestions for parent organizers related to planning meetings. You can prepare your own list or adapt the preceding suggestion to your particular group.

(4) Pointers for holding meetings.

(a) Encourage parent organizers/facilitators and ACS center staff to circulate among the parents and offer a warm welcome and support.

(b) Always be prompt starting the meeting. If only two people are in the room when you expected a turnout of 15, go ahead and start. Although this may not discourage latecomers, it will show respect for those who arrive on time.

(c) Be specific about goals before the meeting begins. Tell participants your goals and find out what theirs are too. Try to accommodate everyone's goals, whenever possible. Routinely during the meeting, check with the group to see if their goals are being met. If they are not, try to do so during the remainder of the meeting.

(d) Create a friendly and open atmosphere that encourages participation by the total group.

(e) Be sure to keep the meeting on target.

(f) Before the final wrap up, ask participants again if their goals were met. If they were not, try to find a way to meet them during the remaining minutes. (Often a simple explanation, or sometimes a referral is all that is needed.) If meeting their goals is too involved and cannot be handled in the remaining time, plan another meeting around these goals, or plan or meet with the individuals privately. As much as possible, try to make participants feel you did everything you could to make the meeting a success for each of them.

(g) End the meeting on time. Participants really appreciate this especially if they have arranged for baby-sitting services.

(h) These pointers about holding meetings are just a few ideas offered to help you make your meetings both interesting and successful.

(i) This appendix has outlined suggestions for parents interested in utilizing meetings to gain knowledge and support in working with

their exceptional children. These suggestions can be used as starting points for each local ACS center to determine what works for them.

(j) Remember that a positive liaison with the special education agencies and specialists in your own community will not only ease your job as parent organizers, but will make life much easier for all parents whose children need special education services. For example, if school district representatives are aware of your problems or questions, they will be better prepared to respond to your needs and the needs of your children. This is only one category of community people you want to involve as guest speakers. The more parents work with the community, the more effective parent meetings and support groups will be, thus, the more effective advocates you will be for your children.

Appendix B

What to Ask Before You Move

B-1. Before a family moves from one school to a new school, parents should request certain information from their child's teacher(s) to ease the transition not only for their child but for themselves as well. Some suggestions about the types of information parents might seek related to the academic performance and social background of their child are given below.

a. Ask the teacher for a list of textbooks that your child used. The mere naming of grade levels does not always provide adequate information to the child's new teacher. Publishers often differ greatly in their interpretations of "grade levels," e.g., a fifth-grade reader in one school district may actually be considered a third-grade reader in another. It is important to find out the name of the publishers, the title of the book, total number of pages read, and about the materials used in conjunction with the subject.

b. Request skill levels in behavioral terms. The discussion of skill levels serves as an immediate introduction for the new teacher if your child's present instructor is able to write about specific strengths and weaknesses in learning. Here are some ideas: "Jenny shows a pattern of missing the beginning letters of her spelling words about 50 percent of the time. She seldom misses the middle or endings." "Alfred cannot understand what he has read unless he is able to track with his fingers and read aloud." "Marjorie can complete her multiplication problems only if she uses a time tables chart." These kinds of behaviorally oriented statements will provide the new teacher with much more information than saying, "Jenny often ranks zero in spelling," "Alfred doesn't know how to read," or "Marjorie can't do math."

c. In the same manner, request personality information in behavioral terms. Avoid such terms as "clinging," "moody," "insecure," "nasty," or "tomboy" and concentrate on complete sentences such as: "Tina cries when the other girls do not play with her. She would rather stand near the teacher than attempt to join in a kickball game." "Michelle does not interact in the classroom unless she is responding to a question asked by the teacher or by other children, and then she usually responds in one or two-word phrases." This kind of information can be very helpful to both the new teacher and the parent in their joint effort to help the child make a smooth transition.

d. Ask the teacher to develop a perspective Individualized Educational Plan (IEP) and to identify five or six major areas of success for your child. Ask the teacher to identify the types of special services needed by your child. Secure environmental classroom information from the teacher such as the maximum number of children enrolled in the classroom, the minimum number when children were out for mainstreaming or supplemental services, the adult/child ratio in the classroom and the performance levels of other children in the classroom.

B-2. Parents should request a copy of their child's records and they should be sent on to the new school. If the new community is

served by an ACS center, parents might also obtain some information directly from this resource. In cases where an ACS center does not exist, parents needing assistance might request their current ACS center staff to help make the necessary contacts with the new school system.

B-3. These are but a few ideas offered to facilitate your child's entry into his or her new educational program. Parents should ask the present teacher for other ways to ease the relocation process for the child.

Appendix C

Getting Help from Professionals: Diagnosis

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C-1. The first stop for a parent seeking help for a handicapped child is usually at the doctor's office. If you are going there because you have a strong suspicion that something may be wrong, please remember that you know your child better than anybody else, and have had twenty-four hours a day to notice things that a doctor may not see during an office visit. So be sure to bring up the things that concern you. This isn't always easy; an office is so different from home, and you may feel uneasy in this more impersonal setting.

C-2. Keep records

a. It's a good idea to make a list of your questions ahead of time, even to keep a diary noting the things that trouble you. Documentation help both you and the doctor and can save possible misunderstanding. Your notes may tell clearly whether the problem is improving, or whether it's becoming chronic.

b. Your family doctor, pediatrician, or the physician you see at a clinic should give your child a thorough physical checkup, and should be able to recommend a specialist (or several specialists) who can do more detailed examinations, if necessary.

c. If you are going to consult with a number of specialists, it's helpful to rely on one of these professionals as the "team coordinator." (It probably will be your family doctor—but perhaps one of the specialists you see will be a good choice.) You do need a professional to help you put it all together, to talk over next steps to take, to ask questions when you're confused and puzzled, to go back for a new look at the situation. It's important to have someone with whom you are comfortable and who is easy to talk to about your feelings and concerns.

C-3. Sometimes—it's important to worry

a. What if your doctor says: "Don't worry—he'll outgrow it". Well, that may very well be true. Reassurance is important; if there's no reason to worry, you won't help yourself or anybody else by looking for signs of trouble. But—if you are convinced from your own observations over a period of time that something is wrong, take action. You can calmly insist on a referral to a specialist for testing and evaluation, or arrange for evaluation on your own.

b. Pediatric neurologists, ophthalmologists, psychologists, psychiatrists, speech and language pathologists, audiologists and other specialists are available for private consultation at hospital clinics, diagnostic centers, or other places we'll mention later. Each of these experts may be needed to figure out what's wrong, and how to help.

c. Unusual delay in speaking, as was pointed out earlier, may be an important clue that a child needs special help. There are many different causes of speech or language difficulties; a qualified speech and language pathologist will check out various problems that may exist. This professional is in a position to steer you to other specialists to find out what kinds of care, treatment and educational programs are appropriate. Don't ignore language problems, even if you are told to "wait and see."

* Barbara Scheiber, *One Step At A Time* (Washington, DC: Closer Look, 1981), pp. 18-20.

C-4. Extra points to keep in mind

Whether you receive the painful report your child has a handicap soon after birth, or find out later, after a period of questioning and consultation, we'd like to emphasize these points about diagnosis.

a. It's hard to absorb shocking or distressing news. It's difficult to understand it all at once. But you will want—and need—to know the facts so that you can deal with them. Let your doctor or other professional helper know that you would like to call or come back, when you've had a chance to collect your thoughts. You should feel free to ask for more information when you're ready.

b. Be sure that diagnostic reports are explained to you in simple, clear language. They should not be fogged up with professional jargon. It may take courage on the doctor's part (just as it does for you) to come face to face with the truth. But you have the right to know it, and to ask for additional consultation in order to learn more.

c. Be absolutely certain that your child gets a complete examination. Hearing and vision, for instance, must be checked out to see if problems in these areas are interfering with normal development. One of the reasons for having one doctor act as coordinator is that there will be less likelihood that some important piece of the diagnostic puzzle will be overlooked.

d. Diagnosis of a handicapping condition is not the final word about a child. It certainly does not predict what he will be able to do with his life, or what potential can be nurtured through stimulation and education.

e. Ask about programs that are available in your community for infants and young children with disabilities of various kinds. Your professional consultants may be aware of new programs that are now under way that can help your child's development. . .and can refer you to those that are appropriate.

f. Even if there are no special infant or preschool programs to join, your doctor may tell you what you can do at home. For instance, he may show you some simple exercises, ways of "positioning" your child when you hold him, things to do to strengthen his muscles and his coordination. This can become part of your regular routine when you visit the doctor's office to check on your child's progress. Ask if he or she can tell you about other parents of handicapped children you can talk to about the problems you're facing.

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Appendix E Educational Resources Information Center (ERIC) Fact Sheets

This appendix contains a series of fact sheets from the Educational Resources Information Center (ERIC) developed by the Council for Exceptional Children. The topics discussed in the fact sheets are as follows:

a. Procedural safeguards.

(1) *What guarantee of procedural safeguards including due process is there for handicapped children?* Public Law 94-142 requires any state, intermediate, or local education agency that wants to be eligible to receive federal funds for the education of handicapped children must provide procedures to assure that handicapped children and their parents or guardians are guaranteed procedural safeguards with respect to identification, evaluation, and educational placement or the provision of a free appropriate public education.

(2) *What are the procedural safeguards guaranteed to parents or guardians by Public Law 94-142?* Public Law 94-142 offers the following guarantees to parents and guardians:

(a) Written notification and consent before evaluation. In addition, the right to an interpreter/translator if the family's native language is not English (unless it is clearly not feasible to do so).

(b) Written notification and consent when initiating or refusing to initiate a change in educational placement.

(c) Opportunity to present complaints regarding the identification, evaluation, placement, or the provision of a free appropriate education.

(d) Opportunity to obtain an independent educational evaluation of the child.

(e) Access to all relevant records.

(f) Opportunity for an impartial due process hearing including the right to: (a) receive timely and specific notice of the hearing; (b) be accompanied and advised by counsel and/or individuals with special knowledge or training in the problems of handicapped children; (c) confront, cross examine, and compel the attendance of witnesses; (d) present evidence; (e) obtain a written or electronic verbatim record of the hearing and written findings of fact and decisions; (f) have the child present; (g) open the hearing to the public; (h) prohibit any evidence that hadn't been disclosed at least 5 days before the hearing.

(g) The right to appeal the findings and decision of the hearing.

(3) *Under what conditions can a surrogate parent be appointed for a child?* According to the law, assignment of a surrogate parent for children occurs when the child's parent or guardian is not known, the child's parents are unavailable, or the child is a ward of the state.

(4) *What is the purpose of a surrogate parent?* The surrogate parent represents the child as a parent in all matters pertaining to the identification, evaluation, placement, and the provision of a free appropriate public education.

(5) *What situations could require the convening of an impartial due process hearing?* If a child is being considered for evaluation and permission is not granted by the parents, the education agency may request a hearing to present its reasons for wanting to conduct the evaluation. If there is a disagreement about the recommended individualized education program (including placement) or change in the program of a child, the parent or the local education agency may request a hearing. If there is any disagreement with respect to any matter relating to the identification, evaluation, or educational placement of a child or the provision of a free appropriate public education, such complaints may be reviewed at an impartial due process hearing.

(6) *What guarantee is there that the hearing will be impartial?* The law states that employees of local or state education agencies involved in the education or care of a specific child may not act as hearing officers for that case. The intent of this safeguard is to eliminate any bias that may be brought to the hearing by someone already involved in the matter.

(7) *What happens if one of the parties is not satisfied with the outcome of the local or intermediate education agency hearing?* An appeal may be made to the state education agency which shall conduct an impartial review of the hearing and render an independent decision. If the problem cannot be resolved to everyone's satisfaction by the review, either party has the right to bring civil action with respect to the complaint.

(8) *What happens to the child while proceedings are pending?* If the education agency and the parent agree on a temporary placement, the child will be placed. If an agreement cannot be reached then the child will remain in the same setting as before the action began. If the case involves a child who is entering public school for the first time then the child shall be temporarily placed in a public school program, with the consent of the parent or guardian, until all proceedings have been completed.

(9) Resources.

(a) A CEC training institute is available on due process. For additional information write CEC, Department of Field Services or call our toll free number (800) 336-3728. Virginia residents, please call collect (703) 620-3660.

(b) *The due process panel and The due process hearing.* A part of *The Law and Handicapped Children in School Series*, 30 min. color $\frac{3}{4}$ " videotapes, Indiana University, Audio-Visual Center, Bloomington IN 47401. (\$160.00; rental, \$15.75 each. Order No. EVU-1712.)

(c) *Exploring issues in the implementation of P.L. 94-142. Due process: Developing criteria for the evaluation of due process procedural safeguards provision.* Research for Better Schools, Inc., 444 North Third St., Philadelphia PA 19123. (\$15 per set of 4 volumes, \$4.00 per volume, prepaid.)

(d) Henley, C.E. A model for a special education due process hearing. *Bureau Memorandum*, 1978, 20(1), 2-11.

(e) *Implementing procedural safeguards—A guide for schools and parents.* A multimedia kit. Three sound filmstrips, three audio cassettes, discussion guide, dittomasters. The Council for Exceptional Children. 1978. \$90.00.

(f) Jacobs, T.G. *A parent's guide to hearings under Public Law 94-142: The Education for All Handicapped Children Act.* 1978. 22 pp. Available from the ERIC Document Reproduction Service, P.O. Box 190, Arlington VA 22210. ED 16 3745.

(g) Lev, L.J. Due process: Procedures for success. *Academic Therapy*, 1979, 15(2), 221-225.

b. Individualized Education Program.

(1) *What is an IEP?* The Individualized Education Program (IEP)

is a management tool, not an instructional plan. It is the link between a handicapped child and the type of special education he or she requires. The concept of an individually written program for each child is far from new; competent teachers have been doing it for years. What is new is the fact that it is required by federal law (P.L. 94-142, The Education for All Handicapped Children Act). It must be written, and the child's parents must agree to the program.

(2) *What are the components of an individualized education program?* According to Public Law 94-142, an IEP must:—

- (a) Be written
- (b) Describe the child's present levels of educational performance.
- (c) State annual goals.
- (d) State short term instructional objectives.
- (e) Describe specific special educational and related services to be provided.
- (f) Determine the extent of the child's ability to participate in regular educational programs.
- (g) Determine the starting date of the child's program and services.
- (h) Anticipate the duration of the services.
- (i) Select appropriate objective criteria and evaluation procedures to determine whether instructional objectives are being achieved.
- (j) Determine the schedule for evaluating progress, at least annually.

(3) *Who determines what will be included in an individualized education program?* Public Law 94-142 requires that a qualified representative of the education agency that has the authority to deliver the agreed upon services, the teacher(s), the parent or guardian, and, whenever appropriate, the child meet to develop the IEP. An IEP is basically an agreement between (a) a consumer (who is the student) and his or her parents or guardians and (b) the supplier (which is the local, intermediate, or state education agency). In developing an IEP, the supplier and consumer should explore together the needs of the child, ways those needs can be met, and which educational needs have the highest priority. Thus, an appropriate education is individually designed for each handicapped child by providing special education and related services required to meet those needs. The following questions and answers are based on material from *A Primer on Individualized Education Programs for Handicapped Children*, (Torres, 1977).

(4) *What information would be helpful in writing an individualized education program?* Since each program is written for a particular child, it is important to have appropriate assessment data available that indicate the child's present level(s) of performance. Areas of assessment would include intellectual and social development, and physical capabilities such as the use of legs, arms, eyes, ears, and speech. The child's age, grade, and degree of learning to date must be considered when setting goals. Equally important are the child's strengths and weaknesses. These would include such things as general health factors, special talents, best mode of learning, and sensory and perceptual functioning. Information can come from tests given by psychologists, educational diagnosticians, teachers, or others who have worked with the child, or it can come from teacher or parent observations.

(5) *How can priorities be set?* By looking at the child's present level of functioning, parents and teachers can begin to see critical areas needing attention. These areas can be pinpointed by having parents, teachers, and the child, if possible, state what they think is most important. These become the high priority learning items. Other areas where weaknesses exist can then be identified. As the IEP is developed, placement needs become apparent. There must be some correspondence between the number and level of the annual goals set and the amount of time available for instruction. Planners need to consider whether goals can be met within the regular program with consultation for the teacher, with a few hours a week of supplementary instruction, or with more hours of direct instruction by a specialist.

(6) *How are annual goals and short term objectives determined?* Annual goals can only be the group's best estimate of what the child

will be able to do within one year. If goals are accomplished sooner than anticipated, additional goals will be set. There must be a relationship between the annual goals set and the child's present level of performance. The support needed to achieve the annual goals must be documented and the person(s) responsible for such support should be listed. While the annual goals for each child are established by the planners, themselves, the short term objectives can be obtained from a variety of published sources. A curriculum guide can often be the best tool to use when pinpointing behaviors and sequencing short term objectives.

(7) *Reference.* Torres, S. (Ed.). *A primer on individualized education programs for handicapped children*. Reston VA: The Foundation for Exceptional Children, 1977. (\$4.95)

(8) *Resources.*

(a) Canning, Jean, and Others. *The IEP parent involvement training guide*. Highstown NJ: Northeast Regional Resources Center, October 1979. 113 pp. Available from the ERIC Document Reproduction Service, P.O. Box 190, Arlington VA 22210. ED 185 734.

(b) Clay, James E., and Stewart, Freddie. Implementing individualized education programs with contract activity packages. *TEACHING Exceptional Children*, Summer 1980, 12(4).

(c) Deno, Stanley L. and Mirkin, Phyllis K. Data based IEP development: An approach to substantive compliance. *TEACHING Exceptional Children*, Spring 1980, 12(3).

(d) Lovitt, Thomas. *Writing and implementing an IEP: A step-by-step plan*. Belmont CA: Pitman Learning Inc., Fearon Education Division, 6 Davis Drive, 1980. (\$7.95).

(e) Morgan, Daniel P. *A primer on individualized education programs for exceptional children: Preferred strategies and practices*. Reston VA: The Council for Exceptional Children, 1981. (\$5.95).

(f) Weiner, Bluma B., Ed. *Periscope: Views of the individualized education program*. Reston VA: The Council for Exceptional Children, 1978. (\$9.75).

c. *The IEP Review.* Parents, regular class teachers, and special educators who work with handicapped children are becoming involved not only in the process of developing individualized education programs (IEP's) but in the review process as well. This fact sheet attempts to answer some questions about the IEP review process.

(1) *Why is an IEP review necessary?* Each handicapped child has his or her own IEP stating what special education and related services will be provided to meet that child's unique educational needs. But as children learn, their educational needs change. Therefore, it is necessary to periodically review every IEP in order to determine whether the services being provided are still appropriate, and if not, to revise the program so it can continue to serve as a useful educational blueprint. The IEP review should be seen as a time to assess a child's progress, coordinate resources with needs, and exchange information with parents and administrators.

(2) *How often should the IEP be reviewed?* The number of IEP reviews needed will vary from child to child. Need for review may be occasioned by a difference between a child's actual rate of learning and the amount of time originally anticipated for attaining a particular goal; or by changes that affect the child's present levels of educational performance. The law requires that meetings be held to review and if necessary revise each child's IEP at least once a year and more often if there is reason. Whenever teachers or parents feel a child's program is not working, they may request a review of the child's IEP.

(3) *What happens at an IEP review meeting?* Most IEP review meetings, whether they occur annually or more frequently, follow a certain pattern:

(a) A comparison is made between the level of attainment demonstrated by the student and the performance criteria specified for each objective in the IEP.

(b) An appraisal is made of whether the special education and related services specified for the student in the IEP were actually delivered, including a comparison of the projected dates for initiation of services and duration of such services with the actual events in time.

(c) A determination is made concerning the need for a revision of

the IEP, including any changes needed in the special education and related services or the way they need to be provided.

(d) If it is time to reconsider the student's eligibility for special education, the need for reevaluation should be specified in the revised IEP. By law, reevaluations must be conducted at least once every 3 years. Since administering and interpreting assessment measures is defined by Public Law 94-142 (the Education for All Handicapped Children Act of 1975) as a related service, reevaluations should be written into the IEP as part of the statement of related services to be provided.

(4) *What is the teacher's responsibility when a child fails to learn an objective prescribed in the IEP?*

(a) The IEP is not a legally binding contract that guarantees outcomes. The law does not demand that somebody be held accountable if a child does not achieve the growth projected in the IEP. Of course, the special education and related services must be delivered as specified and educators must make good faith efforts to assist the child in achieving the goals and objectives listed in the IEP. Any time nonmastery of a goal or objective is noted, it is in the teacher's and child's best interests to search for possible causes. Some things that can contribute to insufficient progress on learning objectives include inappropriate strategies, methods, or techniques of instruction; lack of adequate resources to deliver instruction; unrealistic time frames; and unrealistic or inappropriate objectives.

(b) If the cause of failure is found to be the instructional techniques or resources used, corrective changes should be made and the objective should be taught again. If a revision of the IEP is thought to be necessary, the parents, teacher, agency representative, and child, where appropriate, should meet to make the necessary changes.

(5) *What if the student masters the IEP goals sooner than expected?* Evidence that a student needs special education is documented in the IEP, in statements describing the child's present level of educational performance, annual goals, and short term objectives. Once a student achieves the goals set forth in the IEP, the basis for providing special education is removed. Each time goals and objectives are mastered, the child's continued need for special education and related services must be reexamined. Whenever such progress is observed parents or teachers may request that an IEP review meeting be scheduled in order to determine what to do next. The child may or may not continue to require special services. Perhaps new needs have developed; perhaps services need to be altered; or perhaps the rate of learning was originally underestimated and the child can move on to more difficult tasks within the same curriculum sequence. Parents, teachers, a representative of the school system, and, if appropriate, the child must meet to answer these questions and revise the IEP whenever necessary.

(6) *Should the IEP contain all the goals and objectives for the student's education?* No. Goals and objectives must be specified only for those areas requiring special education and related services. The IEP is intended to be the vehicle through which a free appropriate public education is provided to handicapped children. Public Law 94-142 defines "free appropriate public education" as "special education and related services . . . provided in conformity with an individualized education program" (Regulations §121a.4) Short term objectives in the IEP may be viewed as major learning milestones toward achieving the annual goals. Their purpose in the IEP is to support service delivery decisions, not to set forth the daily activity requirements that are the teacher's responsibility.

(7) *What is the relationship between the IEP and instructional plans?*

(a) The IEP is a *management* tool, not an instructional plan. It is an educational program individually designed to insure that the special education and related services provided to handicapped students are for their special learning needs.

(b) An instructional plan is a *teaching* tool that describes what a child will learn on a day by day basis. Instructional plans are not required by Public Law 94-142. However, the contents of instructional plans, such as daily lesson plans, should be developed out of

the goals and objectives specified in each child's IEP. Good educational practice dictates that instructional planning includes monitoring and assessment of student progress. Conscientious instructional planning procedures assist in the early detection of problems that might indicate the need to revise a child's IEP.

(8) *Resources.*

(a) Nazzaro, Jean N. *Preparing for the IEP meeting: A workshop for parents.* Reston VA: The Council for Exceptional Children, 1979.

(b) Progress by partners in step (Special issue on IEP). *TEACHING Exceptional Children*, 1978, 10(3). Note: The Regulations for Public Law 94-142 were published in the *Federal Register*, Tuesday, August 23, 1977.

d. *Rights of the handicapped.*

(1) *What are some of the major laws that guarantee rights to handicapped individuals?* Some of the major pieces of federal legislation that specify the rights of handicapped individuals are Section 504 Regulations of the Rehabilitation Act of 1973 (Public Law 93-112), the Education for all Handicapped Children Act of 1975 (Public Law 94-142), and the Developmental Disabilities Assistance and Bill of Rights Act of 1975 (Public Law 94-103).

(2) *How are people with handicaps protected against discriminatory practices?* In any program or activity which receives federal financial assistance, discrimination is prohibited in:

(a) Recruitment, advertising, and the processing of applications.

(b) Hiring, alterations in job status, and rehiring.

(c) Rates of pay and other forms of compensation.

(d) Job assignments and classifications, lines of progression, and seniority.

(e) Leaves of absence and sick leave.

(f) Fringe benefits.

(g) Selection and financial support for training, conferences, and other job related activities.

(h) Employer sponsored activities, including social or recreational programs. (§84.11 of Section 504.)

(3) *How are rights to access guaranteed?* No qualified handicapped person may be excluded from federally assisted programs or activities because the facilities are inaccessible. (§84.21 of Section 504.)

(4) *What educational rights are mandated?*

(a) A preschool, elementary, secondary, or adult education program receiving or benefiting from federal funds may not include a child from school on the basis of handicap. If placement in a regular educational setting cannot be achieved satisfactorily, adequate alternative services must be provided at no additional cost to the child's parents or guardian. (§84.31 of Section 504.)

(b) A free appropriate public education must be provided to eligible handicapped persons.

(c) Handicapped students must be educated with nonhandicapped persons to the maximum extent appropriate to the students' needs. Nonacademic services, such as meals, recess, and so forth, must also be provided in as integrated a setting as possible. (§84.33 of Section 504.)

(d) Handicapped persons must have an equal opportunity to participate in nonacademic and extracurricular services, including counseling and athletic services, in the most integrated setting appropriate. (§84.37 of Section 504.)

(e) Each handicapped child who is receiving or will receive special education must be provided with an individualized education program that will be revised at least annually. (Section 614(a)(5) of Public Law 94-142.)

(5) *What rights exist regarding fair assessment practices?*

(a) Testing and evaluation materials must be selected and administered so as not to be racially or culturally discriminatory. No single procedure shall be used as the sole criteria for determining an appropriate educational program. Testing also has to be in the child's native language or mode of communication. (Section 615(5)(c) of Public Law 94-142.)

(b) Parents who do not feel that a fair assessment was made have the right to obtain an independent educational evaluation. (Section 615(b)(1)(A) of Public Law 94-142 and §84.35 of Section 504.)

(6) *How are these rights protected?* Due process procedures for parents or guardians with respect to the identification, evaluation, and placement of a handicapped child who may need special services must include: notice, a right to inspect records, an impartial hearing and representation by counsel, and a review procedure. (§84.36 of Section 504.)

(a) Notice in writing must be given before the school system takes (or recommends) any action that may change a child's educational program. Notice in writing is also required if a school refuses to take action to change a child's program.

(b) The right to see and examine all school records related to the identification, evaluation, and placement of a child is guaranteed. If certain records are inaccurate or misleading, parents have the right to ask that they be removed from the child's file. Once removed, they may not be used in planning for a child's placement.

(c) If parents do not agree with the school's course of action at any point along the way, they have the right to request an impartial due process hearing. This means that a hearing can be initiated to protest any decision related to identification, evaluation, or placement of a child.

(d) If parents disagree with the results of such a hearing, they have the right to appeal to the State Department of Education. If still unsatisfied, they have the right to private legal action. (Section 615 of Public Law 94-142.)

(7) *How are the rights protected for children whose parents or guardians are unknown?* Handicapped children who are wards of the state or whose parents are unknown or unavailable, have the right to the services of an individual who acts as a surrogate for the parents or guardians in order to protect the child's rights. (Section 615(b)(1)(B) of Public Law 94-142.)

(8) *What special provisions apply to postsecondary education?* Qualified handicapped persons may not be denied admission or be subjected to discrimination in admission or recruitment to postsecondary education and vocational education programs and activities.

Following admission, qualified handicapped students shall not be excluded from, or subjected to discrimination under, any postsecondary education or extracurricular program or activity or any specific course of study.

Adjustments must be made in practices or rules that tend to discriminate against students with handicaps, that is, course substitutions, longer exam times, and so forth.

Note: Discrimination is prohibited in physical education and athletics, counseling and placement services, and social organizations. (§84.42-84.47 of Section 504.)

(9) *What rights are provided to individuals with developmental disabilities?*

(a) The Developmental Disabilities Assistance and Bill of Rights Act of 1975 (Public Law 94-103) provides for the following specific rights:

1. Right to treatment, services, and habilitation designed to maximize the developmental potential of the person and provided in a setting that is least restrictive of the person's personal liberty.
2. Right to a nourishing, well balanced daily diet.
3. Right to appropriate and sufficient medical and dental services.
4. Right to be free from physical restraint unless absolutely necessary, and in no event as a punishment or as a substitute for a habitation program.
5. Right to be free from excessive use of chemical restraints and the use of chemical restraints as punishment or as a substitute for, or in an amount that interferes with, services, treatment or habilitation.
6. Right to receive close relatives as visitors at reasonable hours and without prior notice.
7. Right to be free from fire, safety, health, and sanitation hazards in any facility providing services. (Section 111 of Public Law 94-103.)

(b) A person with a developmental disability receiving treatment, services, or habilitation under this Act also has the right to have an individualized treatment plan designed specifically for them to insure appropriateness of treatment (Section 112 of Public Law

94-103.)

Note: Copies of federal laws may be requested from your U.S. Representative. Regulations are published in the *Federal Register*, available at most public libraries. Regulations for Section 504 of Public Law 93-112 are published in the Wednesday, May 4, 1977 edition. Regulations for Public Law 94-142 are published in the Tuesday, August 23, 1977 edition.

(10) *Agencies.*

(a) The Council for Exceptional Children, 1920 Association Drive, Reston VA 22091.

Publications: *P.L. 94-142 Implementing Procedural Safeguards—A Guide for Schools and Parents; Preparing for the IEP Meeting: A Workshop for Parents.*

(b) The American Civil Liberties Union, 22 East Fortieth Street New York NY 10016.

Note: Publications:

The Rights of Mental Patients; The Rights of Mentally Retarded Persons; The Rights of Students.

(c) National Committee for Citizens in Education, 410 Wilde Lake Village Green, Columbia MD 21044.

Publications: *The Rights of Parents; Parents' Rights Card.*

(d) President's Committee on Mental Retardation, Seventh and D Streets, S.W., Washington DC 20201.

(e) Protection and Advocacy System for Developmental Disabilities, Inc., 175 Fifth Ave., Ste. 500, New York NY 10010. Hotline: 800/552-3962.

(f) The Office of Advocacy, 330 C St., S.W., Room 3516. Washington DC 20201.

(g) National Coalition for Parent Involvement in Education, 300 N. Washington St., Alexandria VA 22314.

e. Parents' rights and responsibilities.

(1) *What are my responsibilities as a parent in the process of obtaining a public education for my handicapped child?*

(a) Parents often feel that the responsibility for the education of their child rests entirely with the public school system. In fact, many parents consider the school personnel to be experts and therefore to know what is best for their child. While this may be the case for certain aspects of the child's program, as a parent you have the responsibility to be an advocate for your child. Do not be intimidated by thinking that school personnel are experts. You, too, are an expert when it comes to the needs of your child.

(b) Federal and state laws make it mandatory for you as a parent to be included as part of the team that makes educational decisions for your handicapped child. It is your responsibility to work on that team to develop an appropriate educational program for your child. It is helpful to remember that everyone on the team is working together for the same purpose—to provide for your child's educational needs. In accepting this responsibility, some of the following suggestions may be helpful:

1. Maintain a cooperative attitude. Working together in a team effort will only serve to benefit your child.
2. Learn as much as you can about your rights and the rights of your child.
3. Ask questions. Since educational and medical items can be confusing, it is perfectly acceptable to question what is being said about your child.
4. Express your concerns about your child's education. School personnel will welcome your observations and suggestions.
5. Join a parent organization. It is often helpful to know that other parents are going through similar experiences. The opportunity to share knowledge and experiences can be invaluable. Many times parents find that as a group they have the power to bring about needed changes. A parent group can be an effective force on behalf of your child.

(2) *What are my rights in obtaining a public education for my handicapped child?*

(a) To be an effective advocate for your child, it is most important to know and understand your rights. Public Law 94-142, the Education for All Handicapped Children Act of 1975, calls for parent involvement in the process of making educational decisions

for handicapped children. Some of your rights during this process include:

1. The right to request that your child be evaluated if you feel that he or she is in need of special education.
2. The right to have an independent evaluation done if you disagree with the outcome of the school evaluation.
3. The right to request an impartial due process hearing if your disagreement over the evaluation cannot be resolved informally.
4. The right to participate in the development of your child's individualized education program (IEP). Remember, you know important information about your child that no one else does. As questions and give your input at the IEP meeting. You can make a difference.
5. The right to request an impartial due process hearing if you disagree with what is offered as your child's IEP.
6. The right to appeal the decision of the hearing officer if you disagree with that decision.
7. The right to take your grievances to a court of law.
8. The right to be fully informed by the school whenever they seek your consent for testing, placement, etc.
9. The opportunity to examine your child's education records.

(b) In addition, you should know that:

1. A child cannot receive special education and related services nor be placed in a special education class without an IEP that you help develop.
2. The placement of a handicapped child cannot be changed without a new IEP.
3. If a hearing is requested to determine a child's placement, the child must remain in his or her current placement until the decision has been made.
4. Transportation should be included in your child's IEP as a related service.
5. The IEP is not intended to cover all of the needs of a handicapped child—only the educational needs.

c. Many other rights are included under Public Law 94-142. Learn your rights in order to insure that your child receives an appropriate public education.

(3) *As the parent of a handicapped child what should I do to prepare for working with the public school system?* As you begin the process of obtaining a public education for your handicapped child, you will find it necessary to work with many different school personnel. The following suggestions may make it easier and faster to obtain the desired educational services.

- (a) Make all requests in writing.
- (b) Keep copies of all correspondence you send and receive.
- (c) Keep a diary of names and dates of telephone conversations, letters, and appointments.
- (d) Request copies of all reports on your child for your files.
- (e) Ask many questions as it takes to understand what is being said about your child and keep notes for future reference.
- (f) Explain your concerns about your child. Remember that you know your child better than anyone else. Your comments will be helpful.
- (g) Keep an open mind. When there is a spirit of cooperation between you and the school, you will find that the results come much faster. Try to understand all viewpoints before making a decision.

(4) *Where can I turn for help and further information?* To insure that you are well informed of your rights, you should obtain a copy of Public Law 94-142 from your congressional representative. You may also find it helpful to obtain a copy of your state's current special educational laws and regulations from the special education division of the state department of education. Your school principal or special education administrator will be able to inform you of local school policies as well as your rights under the law. Joining a local parent organization can provide you with needed support. In addition, the parent group may know of other local resources. Information about local parent organizations can be obtained from Closer Look, The National Information Center for the Handicapped, P.O.

Box 1492, Washington, DC 20013. For answers to specific questions about the educational rights of your handicapped child, contact The Council for Exceptional Children, 1920 Association Drive, Reston, Virginia 22091.

(5) *Resources.*

(a) Evans, J. *Working with parents of handicapped children.* Reston VA: The Council for Exceptional Children, 1976, \$3.50. (Also available in Spanish, Stock #133).

(b) *How to get services by being assertive and How to organize an effective parent/advocacy group and more bureaucracies.* Available from Coordinating Council for Handicapped Children, 407 S. Dearborn, Rm. 680, Chicago IL 60605, \$4.00 each plus 50¢ postage.

(c) Jordan, J.B. (Ed.), *Progress by partners in step.* Special Issue on IEP, *TEACHING Exceptional Children*, 10 (3) Reston VA: The Council for Exceptional Children, 1978, \$3.50.

(d) Kroth, R.L. & Scholl, G. T. *Getting schools involved with parents.* Reston VA: The Council for Exceptional Children, 1978, \$5.00.

(e) Nazzaro, J. N. *Preparing for the IEP meeting: A workshop for parents.* Reston VA: The Council for Exceptional Children, 1979, \$35.00

(f) P.L. 94-142 implementing procedural safeguards—A guide for schools and parents. A multimedia kit. Reston VA: The Council for Exceptional Children, 1978, \$90.00.

(6) *Agencies.*

(a) Closer Look
1201 16th St., N.W., Ste. 607B
Washington DC 20005

(b) National Committee for Citizens in Education
Suite 410, Wilde Lake Village Green
Columbia MD 21044

(c) National Coalition for Parent Involvement in Education
300 North Washington St.
Alexandria VA 22314

f. *Least restrictive environment.*

(1) *What do the federal laws say about least restrictive environment?* Public Law 94-142 (the Education for All Handicapped Children Act) requires each state to establish procedures to assure all handicapped children a free appropriate public education in the least restrictive educational environment appropriate to his/her unique needs. "All handicapped children" includes those who are in public and private institutions or other care facilities as well as those attending public or private schools. To the maximum extent appropriate, children with handicaps are to be educated with children who are not handicapped. That is, handicapped children who can learn in regular classes with the use of supplementary aids and services should attend these classes. If the nature or severity of the handicap is such that the child cannot achieve satisfactorily in a regular classroom, then special classes, separate schooling, or some other educational environment should be selected. (Section 612(5)(B) of the Act.) Among the factors to be considered is the need to place the child as close to home as possible. The language of the Section 504 regulations of the Vocational Rehabilitation Act Amendments of 1973 (Public Law 93-112) is nearly identical to the least restrictive statute in Public Law 94-142. (§84.34(a) of the Section 504 regulations.)

(2) *How does this relate to mainstreaming?* The word *mainstreaming* is never used in the federal laws. For many people the term mainstreaming implies regular classroom placement for all children with handicaps. This is a mistaken notion. Nowhere do the laws mandate that all handicapped children should be educated in regular classrooms. The primary consideration must be the delivery of a free, appropriate public education, which includes special education and related services, in a setting which is the least restrictive of personal liberty while still meeting individual educational needs.

(3) *What does the term "to the maximum extent appropriate"*

mean? Before any action is taken with respect to the initial placement of a handicapped child in a special education program, a full and individual evaluation of the child's educational needs must be conducted. Based on the results of this evaluation, which must include information concerning the child's present level of functioning, a decision is made as to whether or not the child is eligible for special education. If the child is eligible, the evaluation data serve as a basis for determining annual goals and short term objectives that will be written into the child's individualized education program (IEP). Participation in the regular education program, to the maximum extent appropriate, depends on the unique needs of each child and should be specified in his or her IEP. (Section 121a 346(C) of Public Law 94-142 regulations and the Appendix, Subpart D, 24, of the Section 504 regulations.)

(4) *How does this least restrictive environment concept affect the development of the IEP?* Skills that a student needs to master in order to function in a less restrictive environment should receive a high priority when developing the child's IEP.

(5) *What alternative placements should be available?* School districts should provide a continuum of alternative placements, including instruction in regular classes, special classes, and special schools; home instruction; and instruction in hospitals and institutions. Supplementary services, such as resource room or itinerant instruction, to be provided in conjunction with regular class placement, are also required by law. (Section 121a. 551 of the Public Law 94-142 regulations.) If the child's unique educational needs cannot be met by an existing program, an appropriate educational program must be devised.

(6) *What additional considerations influence placement?* Unless a handicapped child's IEP requires some other arrangement, the child should be educated in the school that he or she would attend if not handicapped. In selecting a placement, consideration should be given to any potential harmful effect on the child or on the quality of services required. If a handicapped child is so disruptive in a regular classroom that the education of other students is significantly impaired, the needs of the handicapped child cannot be met in that environment. Therefore, regular placement would not be appropriate to his or her needs. (Section 121a. 552(c)(d) of Public Law 94-142 regulations.)

(7) *How are nonacademic services and activities affected by the least restrictive alternative mandate?* Consistent with civil rights provisions, nonacademic services or extracurricular activities, such as meals, recess periods, athletics, clubs, and so forth, should be provided or arranged so that children with handicaps may participate with nonhandicapped children to the maximum extent appropriate. This requirement is especially important for children whose educational needs require that they be solely with other handicapped children during most of each day. (Section 121a. 553 of Public Law 94-142 regulations.)

Note: To obtain a copy of Public Law 94-142, write to your US representative or to one of your US senators. The final regulations for Public Law 94-142 are published in the *Federal Register* for Tuesday, August 23, 1977. The final regulations for Section 504 of Public Law 93-112 are in the *Federal Register* for Wednesday, May 4, 1977. The *Federal Register* is available at most public libraries.

(8) Resources

(a) Abeson, A. Education for handicapped children in the least restrictive environment. In M. Kindred, et al. (Eds.), *The mentally retarded citizen and the law*. New York: Free Press; 1976. Available from: Free Press, 866 Third Avenue, New York NY 10022.

(b) Ballard, J., Ramirez, B., & Weintraub, F. J. (Eds.). *Special education in America: Its legal and governmental foundations*, 1982. (\$22.50; CEC member price, \$19.13 from The Council for Exceptional Children, 1920 Association Dr., Reston VA 22091.)

(c) Barresi, J. *State policy program alternatives to implement the least restrictive environment*. Available from the ERIC Document Reproduction Service, P.O. Box 190, Arlington VA 22210. ED 201 134, 30 pp.

(d) Chiba, C., & Semmel, M.I. Due process and least restrictive

alternative; New emphasis on parental participation. *Viewpoints*. Indiana University, 1977. Available from: Viewpoints, Indiana University, School of Education, Bloomington IN 47401.

(e) Hasazi, S. E., (Ed.). *Under one cover. Maintaining momentum: Implementing the least restrictive environment concept*, 1980. (\$12.25; CEC member price, \$10.41 from The Council for Exceptional Children, 1920 Association Dr., Reston VA 22091.)

(f) Higgins, S. T., & Ross, J.W. *Policy options regarding information supplied to decision makers to determine the LRE appropriate for each handicapped child*, 1979. Available from the ERIC Document Reproduction Service, P.O. Box 190, Arlington VA 22210. ED 191 201.81 pp.

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